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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,417	01/06/2004	Shinichi Miyazaki	0033-0916P	3185
2292	7590	10/27/2005		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HURLEY, SHAUN R	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/751,417

Applicant(s)

MIYAZAKI ET AL.

Examiner

Shaun R. Hurley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/694812.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 7-20, it is unclear what Applicant is attempting to claim. Claims 1 and 2 already contain at least a metallic cord which is described in detail. In claims 7-20, a reinforcing cord is claimed. Is this the same cord or a different, second required cord. It is unclear what Examiner is supposed to glean from the claims as written, and one of ordinary skill in the art would not be capable of replicating the results without undue experimentation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al (4321854) in view of Onuma et al (5605036).

Foote teaches metallic cord obtained by shaping (in this instance, shaping in a straight shape) a bundle prepared by paralleling a plurality of metallic wires (Column 2, lines 38; stainless steel) having substantially circular sections in an unstranded state (Figure 1 shows cord

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unstranded) with a circumscribing binder of a polymeric material (Column 2, line 47) having a melting point of 50° C to 200° C (inherent of polypropylene; see Applicant's Specification, page 5, lines 20-21). While Foote essentially teaches the invention as described, he fails to teach all the multiple uses for such a cord. Onuma teaches that it is well known to utilize wrapped cords in at least one ply of a belt layer of a pneumatic tire having a framework of a carcass toroidally extending between a pair of bead portions and a crown portion (Figures 4a, 6). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to utilize the cord of Foote in a tire as taught by Onuma, so as to provide a cord having a high tensile strength and built in breakage prevention, something the ordinarily skilled artisan would have appreciated and understood as beneficial to the construction of a tire. In regards to the polymeric material being a low-density polyethylene polypropylene, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to utilize such a specific type of polypropylene, since such use is well known in the tire art, enabling better rubber contact.

#### ***Response to Arguments***

5. Applicant's arguments filed 18 July 2005 have been fully considered but they are not persuasive.

6. Applicant makes two basic arguments concerning the rejection as presented previously. First is the raised issue of mechanism, and second is non-analogous art. Examiner disagrees. In response, Examiner points out that nowhere is mechanism of Applicant's invention claimed to where it is structurally distinct from that of the prior art. If it were, Examiner would give that due consideration. Finally, in regards to the remarks concerning non-analogous art, both the prior art and Applicant are concerned with providing maximum tensile strength. Both are cords

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designed to provide such strength, and both are capable of performing the same essential functions. While Foote may be concerned specifically with fishing line, one of ordinary skill in the art would most certainly understand the teachings of strength and structure, and would understand the basic uses of such a cord. The recitation of “for fishing line” is intended use, just as Applicant’s teachings of “for reinforcing a tire”. Both are twisted cords. Both provide tensile strength. Both would perform similar functions.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986. The examiner can normally be reached on Mon - Fri, 6:30 am - 3:00 pm, off second Friday.

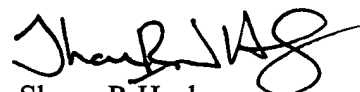
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRH

24 October 2005



Shaun R Hurley  
Patent Examiner  
Tech Center 3700